

DELEGATE DUKES: Is this the amendment that has to do with the state capitol?

THE CHAIRMAN: Yes, it is.

DELEGATE DUKES: Inasmuch as I supported those who placed the original proposal for Annapolis in the record, I will have to do so now.

However, I could not let this record pass without stating my preference for Hyattsville, and if not Hyattsville, then Upper Marlboro for the state capitol.

*(Laughter.)*

THE CHAIRMAN: The Chair hears no suggestion to amendment of section 3.01a. Are there any amendments to section 3.17a? Delegate Moser?

DELEGATE MOSER: Mr. Chairman, amendment Q, I think it is.

THE CHAIRMAN: Pages will please distribute amendment Q. Amendment Q will be Amendment No. 25.

READING CLERK: Amendment No. 25 to Committee Recommendation LB-2 by Delegate Moser: On page 5, section 3.17a, Special Legislation in line 38 after the word "applicable" strike out the comma and the rest of the sentence in lines 38 through 40 inclusive.

THE CHAIRMAN: The amendment is submitted by Delegate Moser. Is there a second.

*(The motion was duly seconded.)*

The amendment having been seconded, the Chair recognizes Delegate Moser to speak to the amendment. Are there any delegates who do not have copies of the amendment?

The chair recognizes Delegate Moser to speak to the amendment.

DELEGATE MOSER: Mr. Chairman, this amendment has been offered after discussion with Chairman Gallagher. It is by way of being a clarifying amendment. The effect of it would cause section 3.17a on special legislation to read simply, "The General Assembly shall pass no special law when a general law is applicable." It deletes the phrase "and whether a general law is applicable shall be a matter for judicial interpretation." The reason for the amendment is very simply this, in the colloquy between Chairman Gallagher and myself when the Committee report was being made, Chairman Gallagher indicated that it was the intention of his Committee to continue the present provisions of Ar-

ticle III, section 33 of the Constitution with respect to special laws and if that is the case, the language which is being deleted is unnecessary. In fact the language that is being deleted, which I believe came from the model state constitution, is confusing because by not putting it in other sections of the constitution, including section 7.06, one immediately asks, well, why do we need it? It is perfectly clear that without this language from the case law of Maryland, which we are intending to continue, the court can determine whether a law is or is not a special law and, therefore, in violation of the constitution.

THE CHAIRMAN: Delegate Gallagher?

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen of the Committee: I would urge the adoption of Mr. Moser's amendment. I do feel that he has aptly described the situation, and it is the intention of the Committee that the present practice with respect to special laws should continue under the new constitution, and I would support his elimination of that part of the section which would be deleted by the amendment.

DELEGATE H. TAYLOR: Harry E. Taylor! Mr. Chairman, I would like the sponsor of the amendment to yield to a question, please.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: I yield.

THE CHAIRMAN: Delegate Harry Taylor.

DELEGATE H. TAYLOR: It appears to me you have stricken the comma here and you have not substituted a period.

DELEGATE MOSER: I am sure Style, Drafting and Arrangement will take care of the omission.

THE CHAIRMAN: Is there any further discussion? Delegate Fox.

DELEGATE FOX: Mr. Chairman, I hate to rise in regard to this on this late hour on Saturday afternoon. This disturbs me because I am afraid that what you are saying is when a general law is not applicable, then the legislature may pass a special law and I think this flies directly in the face of the provision of the local government article that tried to restrict the legislature to enacting only statewide laws.

THE CHAIRMAN: Delegate Fox, do you mean by that last comment that a special law cannot be statewide?